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RICHARD W. HENNING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TOWNSEND AND TOWNSEND AND CREW LLP
GUY W. CHAMBERS (State Bar No. 101611)
MARC M. GORELNIK (State Bar No. 166833)
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111
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Attorneys for Plaintiff
CHICAGO METALLIC CORPORATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHICAGO METALLIC CORPORATION,

Plaintiff,

v.

DETENTION DEVICE SYSTEMS,
INCORPORATED,

Defendant.

Case No. 08

3042

COMPLAINT FOR TRADEMARK
INFRINGEMENT AND UNFAIR
COMPETITION

JURY TRIAL DEMANDED

EMC

COMPLAINT

Plaintiff Chicago Metallic Corporation ("CMC" or "Plaintiff"), by its attorneys, for its
Complaint against Defendant Detention Device Systems, Incorporated ("DDS" or "Defendant") states
as follows:

NATURE OF THE ACTION

1. This action arises from Defendant's unauthorized use of Plaintiff's trademark,
SECURLINE, in direct competition with Plaintiffs business. Defendant, without authorization or
approval from CMC, has adopted and used a confusingly similar trademark, namely, Secure-Line.
Defendant's unauthorized use of the Secure-Line mark is likely to cause confusion in the marketplace
as to whether CMC is the source or sponsor of Defendant's goods, and/or whether there is an
association between Plaintiff and Defendant and/or their respective products. Therefore, CMC asserts

1 the causes of action alleged herein, and seeks permanent injunctive relief, disgorgement of profits,
2 statutory and actual damages, and all other appropriate relief as a result of Defendant's use of the
3 Secure-Line mark in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114 (Trademark
4 Infringement) and state common law.

5 PARTIES

6 2. Plaintiff is an Illinois corporation having its principal place of business at 4849 South
7 Austin Avenue, Chicago, Illinois. Plaintiff's goods are offered worldwide and throughout the United
8 States, including the Northern District of California.

9 3. Defendant Detention Device Systems, Incorporated, is a California corporation with its
10 principal place of business at 25545 Seaboard Lane, Hayward, California.

11 JURISDICTION AND VENUE

12 4. This Court has personal jurisdiction over Defendant because, on information and belief,
13 Defendant has engaged in business activities in and directed at the State of California and within this
14 judicial district, and because Defendant has knowingly committed a tortuous act within the State of
15 California and this judicial district.

16 5. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1121 and 28 U.S.C.
17 §§ 1331, 1332, 1338 and 1367. Plaintiff's claims are based, in part, on violations of the Lanham Act,
18 as amended, 15 U.S.C. §§ 1051, et seq. This Court has jurisdiction over the state law claims asserted
19 herein pursuant to 28 U.S.C. §§ 1338(b) and 1367.

20 6. Venue is proper in this judicial district under 28 U.S.C. § 1391, as a substantial portion
21 of the events giving rise to the claims occurred, and continue to occur, within the Northern District of
22 California.

23 INTRADISTRICT ASSIGNMENT

24 7. A substantial part of the events which give rise to the claims described herein arose in
25 Alameda County, California where a number of the subject goods were displayed, offered for sale, and
26 sold.

27 PLAINTIFF'S BUSINESS AND MARK

28 8. CMC uses the registered mark SECURLINE to sell metal ceiling systems and

1 components therefore and, more specifically, metal ceiling systems particularly suited for use in high
2 abuse areas, such as correctional and detention facilities, manufacturing areas and gymnasiums.

3 9. Since at least as early as September 1994, Plaintiff has continuously used the mark
4 SECURLINE in commerce in connection with metal ceiling systems.

5 10. On May 18, 1994, Plaintiff applied to register the SECURLINE mark, and on
6 February 11, 1997, the SECURLINE mark became the subject of United States Trademark
7 Registration No. 2,037,450. The SECURLINE registration is statutorily incontestable pursuant to 15
8 U.S.C. § 1065 A copy of this registration is attached hereto as Exhibit A.

9 DEFENDANT'S CONDUCT

10 11. Defendant operates a business marketing various building products under the trademark
11 Secure-Line, including ceiling systems, bar and mesh systems, door frames, visitation books and
12 divider walls, all intended for use in prisons, jails and detention facilities.

13 12. Defendant's trademark is used in commerce in direct competition with CMC's business.
14 Specifically, Defendant has engaged in and is now engaged in the business of providing metal ceiling
15 systems under the trademark Secure-Line to capitalize on and to profit from CMC's goodwill
16 associated with its SECURLINE trademark.

17 FIRST CAUSE OF ACTION

18 TRADEMARK INFRINGEMENT (15 U.S.C. § 1114)

19 13. CMC realleges and incorporates by reference each and every allegation set forth in
20 paragraphs 1 through 12 above.

21 14. Prior to its adoption and use of the complained-of trademark, Defendant had either
22 actual notice and knowledge, or constructive notice, pursuant to 15 U.S.C. § 1072, of CMC's
23 registered mark, SECURLINE.

24 15. Defendant has used and continues to use in commerce the Secure-Line trademark that
25 is confusingly similar to Plaintiffs registered SECURLINE mark, in connection with the sale, offering
26 for sale, distribution and advertising of Defendant's goods and services.

27 16. Defendant's wrongful and unauthorized use in commerce of the Secure-Line trademark
28 is likely to cause confusion, to cause mistake, and to deceive relative to CMC's registered mark,

1 SECURLINE.

2 17. Defendant's acts constitute federal trademark infringement in violation of 15 U.S.C.
3 § 1114.

4 18. Defendant's use of the Secure-Line trademark has caused and will continue to cause
5 damage, in an amount to be proven at trial, to CMC.

6 19. In addition, CMC has been, is now, and will be irreparably harmed by Defendant's
7 actions complained of herein, and unless enjoined by this Court, CMC will suffer further harm to its
8 name, reputation and goodwill. This harm constitutes an injury for which there is no adequate remedy
9 at law.

10 SECOND CAUSE OF ACTION

11 UNFAIR COMPETITION (15 U.S.C. § 1125(a))

12 20. CMC realleges and incorporates by reference each and every allegation set forth in
13 paragraphs 1-19 above.

14 21. Defendant's use of the Secure-Line mark to promote, market or sell ceiling systems and
15 related products in direct competition with CMC's SECURLINE products constitutes unfair
16 competition pursuant to 15 U.S.C. § 1125(a). Defendant's use of the Secure-Line mark is likely to
17 cause confusion, mistake and deception among consumers. Defendant's unfair competition has
18 caused and will continue to cause damage to CMC, and is causing irreparable harm to CMC for which
19 there is no adequate remedy at law.

20 THIRD CAUSE OF ACTION

21 UNFAIR COMPETITION UNDER CALIFORNIA

22 BUSINESS AND PROFESSIONS CODE § 17200 et seq.

23 22. CMC realleges and incorporates by reference each and every allegation set forth in
24 paragraph 1-21 above.

25 23. Defendant's actions discussed herein constitute unfair competition within the meaning
26 of California Business and Professions Code § 17200.

27 24. Pursuant to California Business and Professions Code § 17203, CMC is entitled to
28 preliminary and permanent injunctive relief ordering defendant to cease this unfair competition as well

1 as disgorgement of all of Defendant's profits associated with this unfair competition.

2 FOURTH CAUSE OF ACTION

3 COMMON LAW TRADEMARK INFRINGEMENT/UNFAIR COMPETITION

4 25. CMC realleges and incorporates by reference each and every allegation set forth in
5 paragraphs 1 through 24 above.

6 26. CMC owns and has used SECURLINE as its distinctive trademark throughout the
7 United States in connection with its sale of metal ceiling systems for almost 15 years. SECURLINE is
8 a valid trademark under state common law.

9 27. Defendant's acts constitute trademark infringement under the common law of those
10 states where Defendant has used marks confusingly similar to the SECURLINE mark, including
11 California.

12 28. Defendant's unauthorized and infringing use in commerce of the SECURLINE mark
13 constitutes unfair competition with CMC under the common law, in that such use enables Defendant
14 to obtain the benefit of, and trade upon, the widespread recognition and goodwill of CMC; CMC has
15 no control over the business of Defendant and its impact on CMC's goodwill; and such use is likely to
16 cause confusion, mistake or deception, and result in the unjust enrichment of the Defendant.

17 29. In addition, CMC has been, is now, and will be irreparably harmed by Defendant's
18 actions complained of herein, and unless enjoined by this Court, CMC will suffer further harm to its
19 name, reputation and goodwill. This harm constitutes an injury for which there is no adequate remedy
20 at law.

21 PRAYER FOR RELIEF

22 WHEREFORE, for the foregoing reasons, CMC respectfully prays for relief as follows:

23 1. Entry of an order and judgment requiring that Defendant and its officers, agents,
24 servants, employees, owners and representatives, and all other persons, firms or corporations in active
25 concert or participation with them, be preliminarily and thereafter permanently enjoined and restrained
26 from (a) using in any manner the Secure-Line trademark, or any name or mark that wholly
27 incorporates any of the SECURLINE trademark or is confusingly similar to or a colorable imitation of
28 any such mark; and (b) doing any act or thing calculated or likely to cause confusion or mistake in the

1 minds of members of the public, or current or prospective customers of CMC's products or services, as
2 to the source of the products or services offered for sale, distributed, or sold by Defendant, or likely to
3 deceive members of the public, or current or prospective customers, into believing that there is some
4 connection between Defendant and CMC;

5 2. A judgment ordering Defendant, pursuant to 15 U.S.C. § 1116(a), to file with this
6 Court and serve upon CMC within 30 days after entry of the injunction, a report in writing under oath
7 setting forth in detail the manner and form in which Defendant has complied with the injunction and
8 implemented adequate and effective means to discontinue doing business or offering or selling goods
9 and services using the infringing trademark, as set forth above;

10 3. A judgment ordering Defendant, pursuant to 15 U.S.C. § 1118, to deliver up for
11 destruction, or show proof of said destruction or sufficient modification to eliminate, all articles,
12 promotional items, literature, sales aids, or other matter in the possession, custody, or under the
13 control of Defendant or its agents or distributors, bearing any form of the infringing mark in any
14 manner, or any mark that is confusingly similar to or a colorable imitation of the SECURLINE
15 trademark, both alone and in combination with other words or terms, including all plates, molds,
16 matrices, and other means of making such items;

17 4. A judgment ordering Defendant, pursuant to 15 U.S.C. § 1118, to delete any and all
18 information and/or computer files bearing any form of the Secure-Line trademark in any manner, or
19 any mark that is confusingly similar to or a colorable imitation of the SECURLINE mark, both alone
20 and in combination with other words or terms, including but not limited to any text and/or images that
21 are hosted on the Defendant's websites or on any of the Defendant's computers or hard drives or other
22 storage media;

23 5. A judgment requiring that Defendant account for and disgorge to CMC all of the profits
24 realized by Defendant or others in active concert or participation with Defendant, relating to the use of
25 the Secure-Line trademark, and, as the Court may deem appropriate, any additional amounts pursuant
26 to 15 U.S.C. § 1117, plus interest;

27 6. A judgment that CMC be awarded three (3) times Defendant's profits from its use of
28 the Secure-Line trademark, together with CMC's reasonable attorneys' fees, pursuant to 15 U.S.C.

1 § 1117(a) and (b);.

2 7. A judgment, pursuant to California Business and Professions Code § 17203 granting
3 CMC preliminary and permanent injunctive relief, and allowing CMC to recover its costs and
4 attorneys' fees incurred in connection with this action;

5 8. A judgment, in connection with the above claims and as allowed under law, awarding
6 statutory and punitive damages in favor of CMC in an amount to be determined;

7 9. A judgment requiring that Defendant pay prejudgment interest; and

8 10. A judgment granting CMC such other and further relief as the Court deems just and
9 proper.

10
11 DATED: June 19, 2008

Respectfully submitted,

12 TOWNSEND AND TOWNSEND AND CREW LLP

13
14 By: 
15 Marc M. Gorelnik

16 Attorneys for Plaintiff
17 CHICAGO METALLIC CORPORATION
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JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff Chicago Metallic Corporation demands a trial by jury on all issues triable of right by a jury.

DATED: June 19, 2008

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

By: 

Marc M. Gorelnik

Attorneys for Plaintiff
CHICAGO METALLIC CORPORATION

Int. Cl.: 6

Prior U.S. Cls.: 2, 12, 13, 14, 23, 25, and 50

Reg. No. 2,037,450

United States Patent and Trademark Office

Registered Feb. 11, 1997

**TRADEMARK
PRINCIPAL REGISTER**

SECURLINE

CHICAGO METALLIC CORPORATION (ILLI-
NOIS CORPORATION)
4849 SOUTH AUSTIN AVENUE
CHICAGO, IL 60638

FIRST USE 9-0-1994; IN COMMERCE
9-0-1994.

SN 74-526,086, FILED 5-18-1994.

FOR: METAL CEILINGS AND PARTS
THEREOF, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14,
23, 25 AND 50).

ALICE SUE CARRUTHERS, EXAMINING AT-
TORNEY

Document Description: **Notice of Acceptance Acknowledgement** Mail / Create Date: **02-May-2003**



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2037450 SERIAL NO: 74/526086 MAILING DATE: 05/02/2003
REGISTRATION DATE: 02/11/1997
MARK: SECURLINE
REGISTRATION OWNER: Chicago Metallic Corporation

CORRESPONDENCE ADDRESS:

KEITH W. MEDANSKY,
PIPER RUDNICK
P.O. BOX 64807
CHICAGO, IL 60664-0807

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
006.

HORN GORE, ARLENE J
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION
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REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION**I) SECTION 8: AFFIDAVIT OF CONTINUED USE**

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

REGISTRATION NO: 2037450 SERIAL NO: 74/526086 MAILING DATE: 03/09/2007
REGISTRATION DATE: 02/11/1997
MARK: SECURLINE
REGISTRATION OWNER: Chicago Metallic Corporation

CORRESPONDENCE ADDRESS:

KEITH W. MEDANSKY
DLA PIPER US LLP
PO BOX 64807
CHICAGO, IL 64807

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
006.

LOGAN, TAMMY
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

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REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION**I) SECTION 8: AFFIDAVIT OF CONTINUED USE**

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

CHICAGO METALLIC CORPORATION

(b) County of Residence of First Listed Plaintiff Cook County, IL
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address and Telephone Number)

Guy W. Chambers
Marc M. Gorelnik
Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111
Telephone: 415.576.0200

DEFENDANTS

DETENTION DEVICE SYSTEMS, INCORPORATED

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R. R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. sections 1114 & 1125(a)

Brief description of cause:

Trademark infringement and unfair competition

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE
June 20, 2008

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

CHICAGO METALLIC CORPORATION

Plaintiff

v.

DETENTION DEVICE SYSTEMS, INCORPORATED

Defendant

Civil Action No.

Summons in a Civil Action

CV 08

3042

To: (Defendant's name and address)

Detention Device Systems, Incorporated
25545 Seaboard Lane
Hayward, California

EMC

A lawsuit has been filed against you.

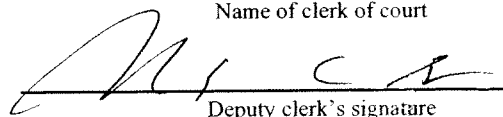
Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Guy W. Chambers
Marc M. Gorelnik
Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor, San Francisco, CA 94111

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RICHARD W. WIEKING

Name of clerk of court


Deputy clerk's signature

Date: JUN 20 2008

MARY ANN BUCKLEY

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)